[Mr. President] [20th October 1947

(2) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras Hackney Carriage (Amendment) Bill, 1947 (L.A. Bill No. 18 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

(3) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Prisons (Madras Amendment) Bill, 1947 (L.A. Bill No. 19 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

(4) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Prisons (Madras Amendment No. II) Bill, 1947 (L.A. Bill No. 20 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.'.

(5) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras Tuberculosis Sanatoria (Regulation of Buildings) Bill, 1947 (L.A. Bill No. 22 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

(6) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras City Improvement Trust (Amendment) Bill, 1947 (L.A. Bill No. 23 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.'

"I have also to announce to the House the following message dated Fort St. George, 18th October 1947, received by me from the Hon. the Speaker, Madras Legislative Assembly :—

'In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Bill, 1947 (L.A. Bill No. 26 of 1947) as passed by the Assembly on the 18th October 1947 and signed by me for the concurrence of the Council '."

IV.—GOVERNMENT BILLS.

(1) THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL, 1947 (L.A. BILL NO. 17 OF 1947).

THE HON. SRI K. MADHAVA MENON :—"Mr. President, I move—

'That this House concurs in setting up a joint select committee of the two Houses consisting of 14 members (seven members from each House) to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947) and that the following members of this House be nominated to the said Joint Select Committee.'

I shall give the list of names later.

"Under section 12 of the Madras Suppression of Immoral Traffic Act, 1930, solicitation by a woman in a street or public place is liable to be punished with imprisonment for a term which

20th October 1947] [Sri K. Madhava Menon]

may extend to two months or fine which may extend to one thousand rupees or with both. This is the only section which provides for conviction and a prostitute convicted under it can be dealt with as provided under this section. Generally such girls as are sentenced for the period mentioned, are detained in the Penitentiary or in such other jails where they are convicted. The Chief Inspector of Certified Schools has pointed out that this does not give the girls a chance to reform themselves and it is likely on the other hand they tend to become criminals in addition to being immoral. It was the opinion of the Chief Inspector that the existing practice is highly objectionable that the Act may be amended so as to provide that those who are convicted under it, may not be sentenced to imprisonment but that they may be certified and sent to Vigilance Homes or Rescue Homes where they could be taught some profession other than what they were following before, which may be of use to them when they come out, instead of making them hardened criminals. The amendment is suggested to give powers to magistrates to certify them and they may be detained for particular periods in Vigilance Homes so that women who are not beyond redemption may be given a chance of reforming themselves and living a better life. Since instead of the punishment proposed under Section 12, namely imprisonment for two months and a fine or both, it is proposed to detain them for periods ranging from two years, it is thought that the opinion of people who are working the Act as also this House may be taken advantage of and that is why we propose a joint select committee. Since the Bill has been published and the objects and reasons have been mentioned, I do not want to add anything more and I request the House to agree to the proposal.''

MR. PRESIDENT :—'' The question is that this House concurs in setting up a joint select committee of the two Houses consisting of 14 members (seven members from each House) to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947) and that the following members of this House be nominated to the said joint select committee. Is the Hon. Minister giving the list of names now? ''

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—'' The names may not be necessary. May I suggest that we discuss the principle on which a joint select committee is constituted? ''

MR. PRESIDENT :—'' I think the House must be congratulated on being asked to join at least in an immoral traffic suppression Bill like this.''

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—'' That is why, Mr. President I wanted to raise the principle on which a joint select committee of both Houses is constituted. I have been in this House since the Council was formed. On previous occasions when the most contentious measures were

[20th October 1947 [Dr. Sir A. Lakshmanaswami Mudaliyar]

under discussion, the Assembly did not choose to ask us to join in any select committee sitting to consider those measures nor did the Treasury Bench at any time make a recommendation to the Assembly that they might like to have a joint select committee to discuss Bills of that nature. If the Assembly has not asked us to join in any select committee, it is open for the Treasury Bench in constituting the select committee to ask under rule 111 that this Council may also take part in select committees. Very many important Bills of the most contentious nature are being debated in the other House and all that we know of what is happening with regard to them is the meagre newspaper reports and we are not even in a position to know the reports of the proceedings in the other House in time to take an intelligent share in the discussion of those Bills. Until we know what our function and what our position and prestige is likely to be, I feel strongly that this House would stultify itself in accepting a select committee of both Houses on a Bill like this which is a mere eye-wash to show that we are also doing something in the matter of legislation. I would, therefore, request the Hon. Minister, before we make up our minds whether we shall submit to this resolution or not, to enlighten us, as to what the principle is under which the Treasury Bench proposes to ask this Council to join the select committee."

THE HON. DR. T. S. S. RAJAN :—" Mr. President, I am glad that the hon. Member drew the attention of the Treasury Benches to what apparently looked something like disrespect to this House. First of all, the question is what should be the nature of the representation on the select committee to this House; this has been agitating the minds of both the Speaker and of the others, as well as the President."

MR. PRESIDENT :—" My mind is not at all agitated. I am quite definite about it."

THE HON. DR. T. S. S. RAJAN :—" Agitating according to my knowledge and I am explaining how it came about. This House is necessarily a smaller House numerically compared with the other House. The question of representation is whether it should be according to the number and if so, what should be the number and the rules are perfectly clear on this matter and that is that there should be equal representation of both Houses in the select
11-45 a.m. committee. It looked apparently unjust to a numerically bigger House to be satisfied with an equal quota—a House which could return as many as 212 members to have equal quota with a House, the numerical strength of which was only 56. But, after prolonged discussions and negotiations, we have come to the decision that there should be a joint select committee on all important Bills. I do not think we have passed very many important Bills so far. We may have passed one or two Bills, but they are not of any serious consequence. This is the first time, if I remember aright, after we formed this new Council that we are having a joint select committee. It may be that this particular Bill may not loom large

in the eyes of the members for a discussion, but fundamentally, I contend, that this measure, which affects society as a whole, is a subject which is entitled to consideration by a House like ours. We have secured the co-operation and consent of the other House as a whole in being equally represented with that House in the select committee. We have secured that amount of consent (not a legal consent) to equal representation. We have come before this House to ask for a series of joint select committees that will be hereafter constituted. (Hear, hear.) Therefore, the position of the Treasury Bench is this. At no time, it was our intention to ignore this House, nor was this House ignored . . ."

MR. PRESIDENT :—" Ignore yourself! "

THE HON. DR. T. S. S. RAJAN :—" I am speaking as a member of this House and also as a member of the Treasury Bench. It was not the intention of the Treasury Bench or the member to put any limit upon the capacity of this House."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" What about the Communal, Forest and Private Lands (Prevention of Alienation) Bill, 1947, Sir? "

THE HON. DR. T. S. S. RAJAN :—" If it comes to that, the hon. Member is within his rights to say that he wants a select committee."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I am speaking about the joint select committee, Sir. The same principle should have been applied to that Bill also."

THE HON. DR. T. S. S. RAJAN :—" Sir, that Bill had to be rushed through the other House the other day. In fact, we had to pass it on that day."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" It has always been our fate, Sir."

THE HON. DR. T. S. S. RAJAN :—" No Sir; it is a question of fact. It is a question of having that legislation passed expeditiously. It was not our intention to ignore this House. That is the point which I want to stress. (Sri B. Narayanaswami Naidu : 'What about Sales Tax Bill? ') Probably, it will come later. Especially, in measures of reform like this, this House is entitled to every opportunity to express its opinion in a joint select committee. That is the only reason I want to give with regard to the constitution of the joint select committee, and I am sure my Hon. colleague has got weighty reasons for asking this House to join in the select committee of the other House, so that this legislation may be gone through with the consent of both the Houses."

MR. PRESIDENT :—" The Hon. the Leader of the House has not let us into his confidence as to what is he going to do in future."

[20th October 1947

THE HON. DR. T. S. S. RAJAN :—" If my submission is worth anything, Sir, we intend to constitute joint select committees whenever possible and necessary with regard to the conduct of legislative business."

MR. PRESIDENT :—" So far as I know this question of joint select commitees has been agitating the minds of the members of the other House and also the Hon. Speaker. They seem to strongly feel that they are 212 members as against 56 in this House, and this insistence on equal representation in the joint select committee somehow offends against some rule, which I am not able to understand. My opinion is that no member of a committee ought to feel that he is in a minority, and that he may not under any circumstances make his opinions heard or considered. The usefulness of a committee will be greatly reduced if any member thinks that he is in a hopeless minority and that whatever he may say, the majority would ride roughshod over it. The business of a committee, so far as I understand, is to convince each other, discuss points and try to arrive at agreed conclusions; not to force the decisions of a majority upon the minority. That I think is the reason for the rule that a committee of both the Houses should consist of equal numbers, and not according to the numerical proportion of one House or the other. That is how I understand that rule, and I think that rule ought to be insisted on. But, I say the thing is really agitating the other House, and the Hon. Speaker the other day made an appeal, rather suggested to the Leader of the other House that some steps might be taken to change the rules. May I know from the Government if they are contemplating any such change in the rule? Are they bringing in any amendment to the rules? If they want to do it, what is it they propose to do? I do not think this House will be taken into confidence if there is to be a joint select committee of equal numbers from both the Houses. Because, I think this is the opinion of that House, and perhaps most of the Government members also feel that way. If that is the idea of Government, what is it they are going to do? Are they supposed to amend this rule or are they prepared to work the rule as it is? "

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" May I point out, Sir, that this equal number is clear? The rule provides ' . . . the Council shall nominate the member in charge of the Bill and the member of Government in charge of the department to which the Bill relates '. The two members that will be nominated out of the equal number will be members from the Treasury Bench. (Interruption by the Hon. Sri B. Gopala Reddi.) Rule 111 says ' . . . the Council shall nominate the required number of members to act on the joint select committee '. Supposing seven members are to be appointed from the Assembly and seven members from this House, it is also provided ' . . . provided that in so doing, the Council shall nominate the member in charge of the Bill and the member of Government in charge of

20th October 1947] [Dr. Sir A. Lakshmanaswami Mudaliyar]

the department to which the Bill relates.' By being asked to do so, we are really giving up two seats which may be of the Assembly or which may not be."

MR. PRESIDENT :—" These nominations will be within that number."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" That is why I say that if all the members are nominated by the Assembly . . ."

MR. PRESIDENT :—" This number seven is to consist of the member in charge of the Bill and the member of Government in charge of the department to which the Bill relates."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" They need not be members of this Council, Sir. That is my submission."

* THE HON. SRI K. MADHAVA MENON :—" When the Agricultural Debt Relief Bill was referred to the joint select committee, the then Prime Minister himself was the member in charge of the Bill, and there were seven members from this House and seven members from the other House. That happened previously, Sir. I know the question that you have raised. It is not exactly a question of a particular House being a majority or a minority. The matter was considered by the Government after the Speaker had referred the matter to them. This question of equal number was objected to because that House had about 212 members and this House had only 56 members. In a House of about 220 members representing various interests, it was almost impossible to give proper representation to all the interests if only seven members were nominated to the joint select committee. So, as a matter of fact, when we appointed a committee to go into the question of the revision of the rules, we have suggested that the Assembly may have ten members and this House may have 5 members. Practically, that is the same conclusion to which the rules committee appointed by the Hon. Speaker has arrived. For the same reason . . ."

MR. PRESIDENT :—" I do not know what the Hon. Minister is referring to."

THE HON. SRI K. MADHAVA MENON :—" Sir, you appointed a committee to revise the rules of this House, and if I remember aright, the committee's proceedings have not yet come before this House."

MR. PRESIDENT :—" It is not a joint committee."

THE HON. SRI K. MADHAVA MENON :—" No; but amendments to rule 111 were brought forward. We said that in all joint select committees, the number of members of which is 14 or 15, this House may have five members and the other House may have 10."

MR. PRESIDENT :—" No. Perhaps you are referring to the committee appointed by the other House. The committee appointed by this House said that it should be equal. But, if as you state, it is a question of giving representation to all interests, are Government moving in the matter? "

THE HON. SRI K. MADHAVA MENON :—" The Leader of the other House has assured the Hon. Speaker that he is taking the matter into consideration and that he is examining the matter. So, it must be presumed . . ."

MR. PRESIDENT :—" Perhaps all the important Bills will be finished before we come to any decision! "

THE HON. SRI K. MADHAVA MENON :—" My hon. Friends referred to the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Bill, 1947. Sir, that Bill is to replace an ordinance which will expire on the 26th of this month and it has to be passed into law before the 26th. It was very late when we introduced it in the Assembly, and there was hardly any time. (Voices : ' Very often it happens so.') It was not out of disrespect to this House. As regards sales tax, this House must understand that it has no financial powers, except to comment upon the financial position. Even in budget matters this House has power only to criticise and comment upon the finances of the Government. So, the question of sales tax measure is altogether a different thing. There is nothing for this House to grouse that a joint select committee has not been appointed. May I also tell the House that it is only in important matters that we should have joint select committees. This is not, however, such an important matter for a joint select committee. But my only excuse for the joint select committee on this Bill is that it is more or less a social legislation in which some members of this House, who have been working in this direction, will be helpful in offering their criticisms. Their help may not be got otherwise. It is not a case of any patronage. My position is that I want the help of certain people who have been working in social matters for some time, which I will not get if there is no joint select committee."

MR. PRESIDENT :—" The Hon. Minister has not answered my point. I really feel that under the rule as it is there is no chance of such a joint select committee being appointed. If, as you state, the only reason is that members demand representation of all interests are Government moving in the matter? "

THE HON. SRI K. MADHAVA MENON :—" That is what I exactly said, Sir. The Leader of the House in the Assembly gave a definite assurance to the Hon. Speaker that he is considering . . . ."

MR. PRESIDENT :—" I know that. What has been done further? "

20th October 1947]

* THE HON. SRI K. MADHAVA MENON :—" A resolution has to be moved to amend the rules. The Hon. the Leader of the Assembly has given a definite assurance to the Hon. Speaker that he is considering the matter."

SRI R. SURYANARAYANA RAO :—" Sir, I am sorry we are not satisfied with the explanation of the Leader of the House. You raised two points. Apart from the question of number to be nominated to the joint committee, you asked an assurance from the Leader of the House what would be the future policy of the Government regarding finance Bills and other Bills. I must confess the Leader of the House was somewhat evasive." (Laughter.) 12 noon.

THE HON. DR. T. S. S. RAJAN :—" I do not know whether I was evasive. I am sure I am as much jealous of safeguarding the rights of this House as any other member, but as the matter has to be discussed jointly and as it will take time, it was thought that the old *status quo* rules might continue in this House also with regard to this select committee as well as other select committees that may be formed. To-day I maintain the ratio half and half now adopted is quite correct."

SRI R. SURYANARAYANA RAO :—" Why I said ' evasive ' was, the Leader of the House has introduced two important Bills which could have been referred to a joint select committee . . . ."

THE HON. DR. T. S. S. RAJAN :—" Those Bills have not been introduced."

SRI R. SURYANARAYANA RAO :—" The select committees have sat on the Non-power Factories Bill and the Shop Assistants Bill."

THE HON. DR. T. S. S. RAJAN :—" Yes; I meant they were not introduced here."

SRI R. SURYANARAYANA RAO :—" Instead of referring them to the select committee the Leader of the House could have referred them to the joint committee. So, Mr. President, Sir, you were perfectly right in asking for an assurance whether in future in respect of important Bills and finance Bills Government wished to associate this House in the select committee stage. As stated by Dr. Sir Lakshmanaswami Mudaliyar this is a very small Bill of not much consequence. If we once discuss the principles here it is not worthwhile referring it to the select committee. (Laughter.) Therefore we want, as demanded by Dr. Lakshmanaswami Mudaliyar, to be associated in select committee on important pieces of legislation. We do not mind these small committees. As regards Shop Assistants Bill and Non-power Factories Bill, it is unfortunate joint committees were not set up though the Leader of the House was the mover. So you, Sir, were perfectly right in asking for an assurance and for a clarification of the policy. In matters where our opinion may be of use why not Government set

up a joint select committee? There are many amendments which I would like to move in the Shop Assistants Bill and Non-power Factories Bill. Since this House had no representation there, I know what would be the fate of my amendments if I were to move them in the Council. That is a point on which we are keen, apart from the question of number and adequate representation on the select committee."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" My object in raising this issue is very simple. This House has been in existence for some time and it has been found that it has not been possible for members of this House to have their point of view heard effectively. And knowing as we do the procedure after the select committee stage, it is impossible for any member to change the fate of the Treasury Bill or any Bill either in the Council or in the Assembly. In view of that, will Government give an assurance to change the machinery in consonance with the views expressed by this House and set up joint select committees with equal numbers from either House. I am sure all of us realize that the dignity of the Legislature is the common concern of both Houses. So when the Council considers that it should have its voice heard, I hope the Leader of the House will give that assurance."

* DR. V. K. JOHN :—" Sir, in associating myself with the remarks of Dr. Lakshmanaswami Mudaliyar I wish to say that most of us have on many occasions felt that discussion on Bills passed by the other House is a mere farce in this House. For no amendments can go through; and even if they go through they have to pass through the other House. On many occasions you have insisted that this House should be represented in the select committees, and we must have an assurance that there will be a joint select committee on every Bill. I don't mind the number. This is the upper House and that is the lower House. (Laughter.) I don't know whether it is the intention of the Legislature that we should have equal representation; any way we must have equal voice in shaping the Bill. I don't see why we should not discuss finance Bills in the select committee, as the select committee is only to assist the House in passing a Bill. Apart from that, the principle must be accepted by the Government, to see that there are joint select committees in all Bills where select committees of the other House are expected to function."

* DR. SYED TAJUDDIN SAHIB :—" Sir, I wish to draw the attention of the House to one point. We are not having any financial powers. Simply because we have no voice in financial matters our representation to sit in the select committee is all the more necessary, and the matter can be rectified if we proceed in the right direction. For joint select committees the rule fixes the maximum number to be fourteen. If Government raise that number, then in all important Bills this House also can be adequately represented in the joint select committee."

20th October 1947]

* SRI M. NARAYANA MENON :—" By our discussion we are suggesting that the number of members on the joint select committee may be reduced. If that is so, it should not be agreed to. It is said that it is only for representing various interests in the Legislative Assembly more number from that House should be given a place in the joint select committee. That argument is not correct. The number of interests there are ten, and here also it is ten."

* THE HON. DR. T. S. S. RAJAN :—" Sir, hon. Members want an assurance that this House would be represented in the select committees. I am willing to give that assurance, and I have been fighting for this for the last several months. It is not as if I imagine I am a member of the other House. (Laughter.) In fact I have been a member of no other House but this House from the beginning. (Laughter.) The difficulty as explained by me was to get the willing consent from the members of the other House. We have been endeavouring for it. I may refer to an incident. When the party met at another House this subject was the subject-matter of our discussion, and we are trying to pursue it further. Whatever may be the history behind it I may assure you Sir, that the Government are very eager and very willing to take such action to convince the members of the other House of the fairness of the case. I can say this : the Leader of the Assembly has agreed to bring this matter again before the Assembly so that joint select committee may become a normal feature, and this assurance I can give you. For the present we shall have the joint select committee now under consideration, and we shall follow it up, as it will help us to pilot the measure through the other House."

MR. PRESIDENT :—" It is a small matter ; if only Government make up its mind to take it up it can be done. I had also a formal discussion about this. Anyhow nothing has been done. I suppose we had sufficient discussion."

The motion that—

' *This House concurs in setting up a Joint Select Committee of the two Houses consisting of 14 members (7 members from each House) to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947) and that the following members of this House be nominated to the said Joint Select Committee :*

(1) *Mrs. Mary N. Clubwala*

(2) *Dr. Syed Tajuddin Sahib*

(3) *Sri K. Venkataswami Nayudu*

(4) *Sri H. M. Jagannatham*

(5) *Sri N. Ranga Reddi*

(6) *The Hon. Sri K. Madhava Menon*

(7) *Sri R. Suryanarayana Rao* '

was put and carried.

SRI R. SURYANARAYANA RAO :—" May we now discuss the principles of the Bill? "

12-15 p.m. MR. PRESIDENT :—" No, not now. The House will be glad if out of this immoral Bill something moral will come out." (Laughter.)

V.—GOVERNMENT RESOLUTIONS.

(1) LEGISLATION BY THE CENTRAL LEGISLATURE IN REGARD TO CERTAIN MATTERS FALLING UNDER " PUBLIC DEBT OF THE PROVINCE."

THE HON. SRI B. GOPALA REDDI :—" I move the resolution that stands in my name—

' *Whereas the Indian Legislature has passed the Public Debt (Central Government) Act, 1944 (Central Act XVIII of 1944), consolidating and amending the law relating to Government securities issued by the Central Government and to the management by the Reserve Bank of India of the public debt of the Central Government;*

And whereas, in order to avoid inconvenience to the public, it appears to be desirable that the laws and regulations relating to Government securities should be uniform as far as possible throughout British India;

Now, therefore, this Council hereby resolves, under section 103 of the Government of India Act, 1935, that the matters dealt with in the Act aforesaid shall be regulated, in this Province, by Act of the Indian Legislature, in so far as Government securities issued by the Provincial Government and the management of the public debt of the Provincial Government are concerned, being matters falling within the scope of Entry 5 of the Provincial Legislative List, viz., " Public Debt of the Province ".'

" Sir, in moving this resolution, I may state that the Indian Securities Act, 1920, was applicable to the securities of both the Central and the Provincial Governments till 30th May 1946. But as the provisions were not adequate, the Central Government passed a legislation which came into force on 1st May 1946. It was thought desirable that the provisions should be made uniform throughout the provinces also. The Central Act applies only to the securities of the Central Government, but under section 103 of the Government of India Act if more than two provinces apply to the Government of India, they can regulate this matter which is included in the provincial list. Some other provincial Governments have already taken steps in this matter. They have moved their legislatures to pass similar resolutions and applied to the Central Government for undertaking necessary legislation. The Governments of Bombay, United Provinces, Orissa, North-West Frontier Province and Sind have addressed the Government of India. This Government also propose to do the same."